

DEC 20 2006

REMARKS

After entry of this amendment, claims 27 through 41 will be pending in the application with claim 27, 33, and 38 presented in independent form. New claims 38 through 41 have been added. Claims 27 and 28 have been amended. Claims 1 through 18 have been previously cancelled. Claims 19 through 26 have been withdrawn. All amendments to claim 27, 28, and 33 are supported by the specification and drawings as originally submitted by the Applicant without introduction on a new matter.

*Claim**Claim rejection under 35 USC 112*

Claims 27 through 37 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant has amended independent claim 27 as suggested by the Examiner and to more clearly define the inventive method as originally claimed and to render the Examiner's rejection moot. As amended, claims 27, 28, and 33 are supported by the specification and the drawings as originally filed by the Applicant.

Claim rejection under 35 USC 102

Claims 27 through 37 stand rejected under 35 U.S.C. §102(a) as being anticipated by the United States Patent No. 6,447,215 to Higuchi et al. (the *Higuchi reference*).

The Applicant has amended independent claim 27 to render the examiner's rejection of claims 27 through 37 moot. As amended, claim 27 is distinguished over the *Higuchi reference* by a unique method of providing a housing defining a chamber and having a first powder inlet and a first powder outlet and a first inlet opening being spaced from the first powder inlet and the

first powder outlet wherein a piston moves inside the chamber to form a vacuum therein and to receive the powder through the first powder inlet whereby a valve adjacent the first inlet opening moves between an open position and closed position to selectively open and close the first inlet opening to *selectively introduce fluid into a fluid passage defined between the piston and the chamber to control the amount of the powder delivered to the first powder outlet.*

The *Higuchi reference* teaches a fluid pumping assembly 150 for pumping particulate material includes a pump housing 102 defining a pump cavity including a pumping chamber 106 for handling particulate material, a motive fluid chamber 108, and a moveable diaphragm 110 separating the chambers 106 and 108. The efficiency of diaphragm 110 depends on air tight engagement between the diaphragm 110 and the wall of the pump housing 102. Defining the air gap between the diaphragm 110 the wall of the pump housing 102 will result in mixing of the motive fluid 135 with the purging fluid 126 and will reduce the pressure inside the pumping chamber 106 thereby destroying the intended use of the assembly 150. Furthermore, the *Higuchi reference fails to teach or suggest* a valve being exposed to the pump housing 102 wherein the valve moves between an open position and closed position to selectively introduce fluid into a fluid passage defined between the diaphragm 110 and the pump housing 102 to control the amount of the particulate material delivered to the outlet 138.

Alluding to the above, the implementation of the design of the diaphragm 110, taught by the *Higuchi reference* into the chamber (3) of the housing (2) of the Applicant's invention will totally destroy the inventive method of the Applicant's invention. In particular, if the air gap (9) is eliminated between the piston (4) and the housing (2), it will prevent the injection of the stream of air flow required to control the amount of the powder delivered to the outlet (12), thereby totally destroying the Applicant's inventive method.

Turning no to new claim 38, the Applicant has added this claim and the respective dependent claims 39 through 41 to further set forth the unique method of the Applicant's invention over the *Higuchi reference*. Claim 38 is directed to a method for moving coating to at least one atomizer and presents the steps of providing a pair of housings each having a chamber, a powder inlet and a powder outlet fluidly communicating with the chamber and a fluid inlet exposed to the chamber and spaced from the powder inlet and the powder outlet, positioning a first piston relative one of the chambers and a second piston relative the other chamber with *the first piston and the second piston movable in alternating fashion* relative to one another thereby selectively forming a vacuum inside said chambers to receive the coating therein through the powder inlets, and connecting a valve device to each of the fluid inlets of each housings to *selectively introduce fluid* between the first piston and one of the housings and the second piston and the other housing *thereby controlling the amount of the coating delivered to the powder outlets of the chambers* as the valve device *alternates between an open position and closed position* to selectively open and close the fluid inlet of each chambers.

Accordingly, independent claims 27 and 38 and the dependent claims 28 through 38 and 39 through 41, dependent upon claims 27 and 38, respectively, are allowable over the *Higuchi reference* cited by the Examiner, thereby placing claims 27 through 41 in condition for allowance, which is respectfully requested.

If the Examiner believes that prosecution of the application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone

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number listed below. If necessary, the Commissioner is authorized to charge Howard & Howard Attorneys, P.C. deposit account for any fees or credit any overpayment for this matter.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached **Amendment** is being facsimile transmitted to the Commissioner for Patents and Trademarks, Alexandria, Virginia, to the attention of **Examiner Joseph A. Dillon, Jr.** from Group: 3651 to facsimile number (571) 273-8300 on December 20, 2006.

Tracy L. Smith

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